IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14156 of 2004

Between:

SMT. G. Malini, W/o. G. Gopal,
Peddavoduguru Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur.
3 The Mandal Revenue Officer, Pedda Voduguru Mandal,
Anantapur Distirct.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in not disposing of the appeal as directed by this Hon'ble Court and consequently direct the respondents not to give effect to the order of the 2nd respondent made in RC.No.D1/CS/846/2004, dt. 24.7.2004.

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER :

The petitioner is the authorized dealer of fair price shop of Appecherla Village of Ananthapur District. The 2nd respondent herein, by proceedings dated 24-07-2004, suspended the authorization of the petitioner pending further enquiry into certain irregularities. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent – Joint Collector, Ananthapur along with an application for stay of the order of suspension. Since the 1st respondent failed to pass any orders even on her application for stay, the petitioner filed W.P.No.13286 of 2004. The said writ petition was disposed of by order dated 29-07-2004 directing the 1st respondent to consider the petition for stay and to pass appropriate orders within one week. There was also a further direction to the petitioner to distribute the essential commodities for a period of 10 days. Now, the grievance of the petitioner is that the Joint Collector Ananthpur, failed to consider her application for stay pending Appeal, in spite of the orders of this Court in W.P.No.13286 of 2004. The petitioner states that the 1st respondent has posted the main Appeal itself to 28-08-2004 and in the meanwhile, since there are no orders on the application for stay, the respondents are not allowing the petitioner to distribute the essential commodities.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

Since the statutory appeal preferred by the petitioner against the order of suspension

is pending, I am of the view that it would be appropriate to permit the petitioner to distribute the commodities till the disposal of the said appeal. The first respondent is not justified in keeping the application for stay pending in spite of the orders of this Court.

Accordingly, the writ petition is disposed of with a direction to the first respondent to dispose of the Appeal pending on his file against the order of the Revenue Divisional Officer, Ananthapur, dated 24-07-2004 as expeditiously as possible preferably, within a period of four weeks from the date of receipt of this order.

Till disposal of the Appeal, the order of suspension dated 24-07-2004 shall not be given effect to.

Writ Petition is accordingly disposed of. No costs.

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11th August, 2004.

Klp/bcj

To

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Anantapur.
3 The Mandal Revenue Officer, Pedda Voduguru Mandal, Anantapur Distirct.

4 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT)

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